

**U.S. Department of State
DIRECTORATE OF DEFENSE TRADE CONTROLS**

**Guidelines for Completion of a Form DSP-73
Application/License for Temporary Export of Unclassified Defense Articles**

These guidelines are provided to assist applicants in accurately completing the Form DSP-73 application for license for temporary export in compliance with the International Traffic In Arms Regulations (ITAR – 22 CFR 120-130). The submission of a complete and compliant request will provide the Directorate of Defense Trade Controls (DDTC) with the necessary information to perform a timely review of your request. A properly completed application also provides relevant information to other government agencies and offices in the Department of State when it is necessary to seek their recommendations. Applications that do not meet the regulatory requirements or fail to provide adequate details and information necessary to complete a review may be Returned Without Action (RWA'd).

Prior to completing your application you should determine that:

1. Your company is registered with the Department of State, Directorate of Defense Trade Controls. If you are not a manufacturer or in the business of exporting defense articles, you may seek relief from registration (see 22 CFR 122).
2. A 22 CFR §120.25 ITAR empowered official has been identified to sign the application.
3. All required documentation is available (see 22 CFR §123.1) for submission with your request.
4. The eligibility requirements of 22 CFR §120.1(c) and §126.13 can be satisfied. If they cannot be satisfied, you are not eligible to apply for a license.
5. The U.S. Munitions List (USML) covers the commodity(s) that are the subject of the request (see 22 CFR 121). Should a doubt exist regarding the agency jurisdiction for any commodity(s), see 22 CFR §§ 120.3, 120.4, and 120.6 of the ITAR and DDTC's Web site (www.pmdrtc.state.gov) for assistance. Should a commodity jurisdiction determination be required, please see the CJ guidelines on DDTC's Web site.

Documentation Requirements. You will be asked to identify the documents that you submit with your request. While you may submit any document necessary to assist in the review, the types of documents identified include:

- a) Firearms and Ammunitions Import Permit
- b) Firearms and Ammunitions Letter of Explanation, when necessary
- c) Other amplifying data (e.g., briefing, proposal)
- d) Precedent (identical/similar) cases
- e) Product brochures
- f) Supplementary explanation of transaction (e.g., white paper)
- g) Technical drawings, schematics, or blue prints
- h) Transaction exception request
- i) 22 CFR § 126.13 Eligibility Letter
- j) Manufacturer Unknown Letter of Explanation

Note: A letter of explanation (supplementary explanation of transaction) should only be submitted when all the pertinent information cannot be included on the application or attachment(s) and the information in the document adds to the content of the application or a special requirement has been imposed by the Office of Defense Trade Controls Licensing.

General Instructions:

1. All blocks with an asterisk must be completed.
2. Any supporting documentation/attachments to the application must be submitted with the initial submission.
3. No defense articles authorized for temporary export may be re-exported or transferred to any other country, to a national of any other country, or to another end use or end user without the prior written approval of the Department of State.
4. This form may only be used to temporarily export hardware. Any export of technical data is considered a permanent export and must be licensed on a DSP-5. Software is considered technical data. See 22 CFR § 121.8 for definitions (e.g., software and firmware). However, in exceptional circumstances DDTC will consider an exception to licensing policy to permit the temporary export of computer software when for use in demonstrations, provided the applicant submits with the application a letter explaining the transaction and a statement that applicant will not transfer the computer software and will retain physical possession during its temporary export and return it to the U.S. immediately following the demonstration.
5. Requests for temporary export of hardware may be submitted for more than one foreign destination. However, when the country(s) of ultimate destination are geographically dispersed, the applicant should submit a separate application for each major geographical region (e.g. Africa, East Asia, Europe, etc.). For identification of the countries and the regions in which they are located, see the DDTC Web site.
6. All applications for license must include the complete name and address of all U.S. consignors/freight forwarders and all foreign consignees and foreign intermediate consignees involved in the transaction. This information is required in accordance with 22 CFR § 126.13(b). Applicants must also identify all persons performing brokering activities (22 CFR 129) in connection with the proposed transaction. Port Directors of U.S. Customs and Border Protection will permit only those U.S. consignors or freight forwarders listed on the license to make shipments under the license, and only when the applicant's registration is valid and only to those foreign consignees named on the license or attachment.
7. Firearms, Temporary Exports, Special Requirements.
 - a) All requests for the temporary export of firearms must either provide an import permit from the foreign government or have written verification that no document was issued by it. In those instances where a foreign government does not issue import permits, the applicant must provide with the application the written verification from the foreign destination that the importing country does not require such import permits.
 - b) Each request must provide a letter of explanation for the transaction (e.g., reason/rationale for the temporary export) and state in the letter that a) "I have verified that the country to which

these firearms are being temporarily exported does not issue an import certificate and have enclosed written verification” or b) “I have submitted an import permit with this request.”

- c) Requests for trade shows or for motion pictures. The temporary export of firearms to a foreign destination for use in a trade show or for a motion picture must include a letter that provides the details of the security arrangements in the foreign country (e.g., access, storage, accountability).
 - d) All firearms licenses will only be valid for the period of the import permit minus one day.
8. The applicant retains a temporary export license, except for exports of an aircraft or vessel when it is placed in the aircraft/vessel during its export abroad. However, all temporary licenses must be presented to and endorsed by U.S. Customs and Border Protection. Licenses should be returned to DDTC when all the items have been returned to the U.S., when the applicant no longer has a requirement, or when the license expires.
9. Copies of a license may NEVER be used to make shipments. However, the applicant may make photocopies of licenses for internal use.
10. The DDTC mailing address is available on DDTC’s Web site.
11. Electronic submissions only. When submitting your application electronically, you will be asked to assign the case a company/applicant user identification number in the Transaction ID field. The content of this field is determined by you and will assist in identifying your specific transaction. This field will also help link your electronic submission to any documentation that is subsequently submitted to DDTC (e.g. mail, FAX, hand carry) in support of the application. This number will also serve to identify electronically submitted requests related to State’s DTSI initiatives. For additional information on these programs consult our Web site.

Specific Instructions/Guidelines:

***Block 1. Date Prepared.** When submitting electronically, the date the application is prepared is automatically entered (month/day/year). It is updated each time the application is opened until submission to DDTC, at which time the application must be digitally signed.

***Block 2. PM/DDTC Applicant/Registrant Code.** Enter your DDTC Applicant/Registrant Code number, including the pre-fix letter “M” if applicant is a manufacturer and/or exporter. Ensure your registration is valid. No application will be processed unless your registration is current, or you are exempt or have been provided relief from registration (see 22 CFR § 122.1(b)). If you do not have a registration code, are not exempt or have not been provided relief from registration, STOP here and please contact DDTC. Prior to contacting DDTC you may wish to review registration requirements by viewing 22 CFR 122 and guidance provided on DDTC’s Web site.

***Block 3. Single/Series of Departure(s) and Return(s).** Select either single departure and return or series of departures and returns.

***Block 4. Specific Countries of Sojourn.** For electronic submissions select the country(s) to which the item(s) will be temporarily exported. For paper submission, provide the complete name of the country

(e.g., United Kingdom not UK). When there is insufficient room in the block to identify all the countries, continue the list (i.e., continuation of Block 4) and provide it as an attachment to the application.

Notes:

1. The country(s) identified in Block 4 are the destination(s) of the end user(s) and must match the country(s) listed in Block 22 (i.e., the temporary foreign end-user). The intermediate destinations to which the defense article(s) will be shipped prior to reaching its final destination should be provided in Blocks 18 and 20.
2. To expedite the review of your request, separate applications should be submitted for each Department of State geographic region (e.g., Africa, East Asia, South Asia, Europe). To determine what countries are in what geographic region see the DDTC Web site.

Block 5. Applicant's Name and Address. Check the appropriate block indicating applicant business (Government, Manufacturer, and Exporter). State the registered applicant's complete name and address, including zip code. Be sure to include the complete telephone number, including the area code. As appropriate, provide information on subsidiary(s) for electronic submissions by selecting "Add subsidiary information" and complete. For paper submissions, check the box "subsidiary" and provide the information in an attachment to the application.

***Block 6. Probable Port of Exit from the U.S.** Provide the known or expected U.S. Customs and Border Protection port from which the defense article(s) will be temporarily exported.

***Block 7. Probable Port of Entry into U.S.** Provide the known or expected port at which the defense article(s) will enter the U.S.

***Block 8. Probable Date of First Exit from U.S.** Provide the known or expected date the defense article(s) will first exit the U.S.

***Block 9. Probable Date of Final Entry into U.S.** Provide the known or expected date the defense article(s) will make their final entry into the U.S.

Note: All exits and entries must be made during the validity period of the license. Articles exported pursuant to a temporary export license may not be sold or otherwise permanently transferred to a foreign person while overseas; nor may transfer of title occur during the period of temporary export. A renewal of the license or other written approval must be obtained from DDTC if the defense article is to remain outside the U.S. beyond the validity period. (See 22 CFR § 123.5).

Block 10a. Applicant Contact. List an individual(s) familiar with the transaction who can respond to questions from DDTC staff or other government agencies. The individual(s) should be prepared to answer procedural and/or technical questions. You may list more than one individual and provide the area of expertise (John Doe – technical, Andrew Heart – regulatory/process). Please do not list an individual who is not familiar with the transaction and thus unable to respond. Do not list government personnel.

Block 10b. U.S. Government Personnel Familiar with Commodity. Identify an individual(s) employed by the U.S. Government (i.e., a military service or agency) familiar with the defense

article/defense program. It cannot be an employee of DDTC. This information could assist in expediting the review of your request.

Block 11. Description of Transaction.

*11a. Select one. a) Only completely new shipment or b) only renewal of previously issued license number.

Notes:

1. Only completely new shipment means this is the first time you have made a request for the defense article(s) that are the subject of this transaction (e.g., contract, purchase order, marketing material).
2. Only renewal of previously issued license means that you have an existing license that has expired or will expire, and not all the articles on the license have been shipped or not all the articles shipped have been returned to the U.S.

11b. This application has a related license number(s). Select “application has related license numbers” and provide the DDTC case number(s).

Notes:

1. If you are applying for a renewal you must provide a DDTC case number. For all other requests, information on previous approvals, denials and RWA’s can provide substantial and necessary history to ensure adequate and timely processing of your request. Information that the defense article was previously approved to the same country(s) may eliminate seeking interagency recommendations. Identical means that it is the EXACT configuration of a defense article that has been previously requested/approved. If a license for the identical commodity has not been requested but a SIMILAR commodity has been, you may wish to include this information with your application and provide the details of the commodity licensed compared with the commodity that is the subject of the request
2. To expedite the review process, you may provide a copy of any license or agreement (Approved, Disapproved or RWA'd) that has been identified. For agreements you may wish to provide only the relevant pages. For all cases include any proviso letters related to the approval of the case(s).

***Block 12. Quantity.** Provide the quantity of each commodity (e.g., end item, major component and system) identified in Block 13 and select a unit type. When selecting a unit type such as “lots” unless it is clearly evident that the term is applicable to the commodity identified in Block 13.) “Lot” is generally only acceptable when used as a quantity for minor components or parts. However, an itemized list of the minor components or parts may be required as an attachment to your request.

***Block 13. Commodity.** The commodity must be described in detail to include the model/part number and descriptions. List each defense article with as much detail as available. Include, to the extent possible, the product name, manufacturer, part/model number, military nomenclature, federal stock number, specific details of any modification and any other information that would assist in clarification/identification of the defense article(s). Systems, end items, and major components/parts must always be itemized. See 22 CFR § 121.8 for definitions.

Notes:

1. Provide all the specific details of any modification, and any other details that would assist in clarification/identification of the listed defense article(s). The applicant should seek to determine if any

of the defense article(s) are Significant Military Equipment (SME), and in the case of components and parts, whether the items are major or minor. Systems, end items, and major components and major parts must always be itemized. (For definitions of an end-item, component, part, accessory, attachment, system, etc, see 22 CFR § 121.8). Lack of detail, incomplete or misleading descriptions can result in your request being Returned Without Action (RWA) or undergoing unnecessary processing/review that will significantly delay the completion of the license.

2. For electronic submissions, when completing Block 12, an item number will be automatically assigned to each new commodity that is requested.

***Block 14. U.S. Munitions List (USML) Category.** The USML, 22 CFR § 121.1, will assist you in identification of the category and sub-category for the commodity(s) stated on your application (e.g., Aircraft – VIII(a), Military Radio - XI(a)(4)(iii)). If more than one commodity is stated in Block 13, list the USML category for each commodity.

***Block 15. Value.** The value is expressed in both unit price and line item total.

Unit Price. Enter the unit price (in U.S. dollars) of the commodity listed in Block 13. For example, if an AN/X-2 radio identified in Block 13 is \$400, enter a unit price of \$400.

Line Item Total. For electronic submissions, you do not need to enter a line item total. The electronic software is designed to determine the total value by computing the quantity and unit price (e.g., two (2) AN/X-2 radios @ a unit price of \$400 would calculate the total line value to be \$800). For paper submissions, you must calculate the line item total.

***Block 16. Total Value.** This is the value of all line item totals. For electronic submissions, the software is designed to compute this value, so the applicant does not need to enter a value. The applicant who submits a paper application must compute this value.

***Block 17. Manufacturer of Commodity.** Select same as Block 5 or provide the name and address of the manufacturer of the commodity(s). It is recommended that applicants seek to determine, when the source is a manufacturer, that the manufacturer is registered with DDTC as required by the Arms Export Control Act.

***Block 18. Name and Address of Foreign Intermediate Consignee.** Select “None” (when there is no foreign intermediate consignee) or provide the name, address and the role of the foreign intermediate consignee(s), regardless of where located, that will receive the commodity(s) for onward movement to the temporary foreign consignee or temporary foreign end-user (e.g., freight forwarder, customs broker, agent or representative, brokers. Do not use post office boxes or other imprecise addresses. Also, do not include banks or common carriers unless they are involved in the transaction (e.g. brokering) or your Letter of Credit specifies that they are a party to the transaction. There may be more than one foreign intermediate parties involved in the transaction. The foreign intermediate consignee(s) may be in a country(s) that is different than the country of the foreign consignee/end-user.

***Block 19. Source of Commodity.** Select same as Block 5 or Block 17 or provide the name and address of the source(s) of the commodity(s). Do not provide post office boxes or imprecise addresses.

***Block 20. Name and Address of Temporary Foreign Consignee.** Select “none” or provide the complete name and address of the temporary foreign consignee who will receive the shipment for storage,

modification, or for incorporation into another end-item, and for subsequent forwarding to the temporary foreign end-user (Block 22). Do not use post office box numbers or other general or imprecise addresses. The temporary foreign consignee may be in the same country as the foreign end user or in another country. Ensure that the application provides adequate details regarding the transaction and all the parties involved, paying particular attention to clarification of their roles when the parties are various and/or in different countries.

***Block 21. Consignor and/or Freight Forwarder in the United States.** Select same as Block 5 or identify the party(s) in the U.S. that will actually deliver the defense article(s) identified in Block 13 to the foreign intermediate consignee/temporary foreign end user. When the applicant is delivering the defense articles directly to a common carrier (e.g., using no freight forwarder) enter "Same as Block 5." When using freight forwarder(s), state their complete name and address. You may provide all the U.S. freight forwarders that you anticipate will be handling this temporary export (e.g., any freight forwarder(s) that is under contract to the applicant to handle the export of defense articles). When submitting a paper application, an original and one copy of all freight forwarder continuation sheets must be provided.

Note: When a freight forwarder is required to handle the shipment of commodity(s) after the application has been approved by DDTC, they may only be added to the license by submitting a request for an amendment. Do not attempt to make the export using a freight forwarder that is not identified on the license or your shipment may be detained by U.S. Customs and Border Protection.

***Block 22. Name and Address of Temporary Foreign End User.** Select "Same as Block 20" when the temporary foreign end user is the same as the temporary foreign consignee. When different provide the complete name and address of the temporary foreign end user. Incomplete/imprecise addresses or use of post office box numbers will generally result in your request being RWA'd. The temporary foreign end-user(s) must be in the country(s) identified in Block 4.

***Block 23. Specific Purpose of Temporary Export.** For any request that is submitted to satisfy the requirements of 22 CFR § 126.8, select "Request for prior approval." For all requests, provide the specific purpose for the temporary export. Be specific about the purpose for which you wish to temporarily export the defense articles. Information provided in this block will enhance the review and processing time and could be important in determining the final determination. Simply stating, "for use in repair" or "for marketing purposes" is inadequate. Provide reference to any applicable approved (or pending) licenses and/or agreements in order to clarify the transaction.

Note: Information regarding user(s) and use(s) for which the defense articles are being temporarily exported are critical to a U.S. Government determination. The specific details in this block should provide rationale for the review and final determination. Examples are:

- Mechanism for deployment of parachute in German manufactured [model/type] ejection seat that failed in testing. Mechanism is being returned to Germany for repair/replacement. See AG-999-01.
- Export for demonstration to Portuguese and Spanish Ministries of Defense to display capabilities of new armor plating to support the production of transport vehicles that will be produced in Portugal. The Spanish Government is participating in the demonstration since the production is a co-production effort in which the Government of Spain is providing economic assistance in return for data and production rights for the vehicles from the Government of Portugal. It is anticipated that this is solely a sale of hardware

(i.e., armor plating) and no manufacturing data will be exported. However, there may be a need to provide limited technical data and defense services. This requirement will be determined at the time of demonstration and will be limited to data necessary to place the armor plating on the vehicles.

***Block 24. Is the article being exported an Aircraft or Vessel.** Select either yes or no. If yes, provide additional information in Blocks 25, 26, 27, and 28. In addition, Block 29 must be completed when the aircraft and/or vessel is to be temporarily exported under its own power or capable of flight upon reaching the temporary foreign destination. This includes any aircraft and vessel that is disassembled for export to a foreign destination that will be reassembled in a foreign destination for use or demonstration purposes. The additional information is:

Block 25. FAA Reg. No., or Vessel Document Number of aircraft or vessel, and vessel name. Enter the registration number(s) of the aircraft/vessel. Be sure to include the name of the vessel (e.g., RA-3527, Russian Mil-8TV Helicopter, Lockheed C-130H).

Block 26. Date of FAA Reg. No. or Vessel Document Number.

Block 27. Make, model and serial number of aircraft or vessel.

Block 28. Physical location of the aircraft or vessel. Provide the complete address. Ensure that the address is precise and will provide to DDTC the ability to locate the aircraft/vessel for an inspection when deemed appropriate.

Block 29. Aircraft or vessel commander name, and complete address and operator or certification license number. Only the individual(s) identified on the license are granted authorization to operate the aircraft/vessel during its temporary export. Should the names of these individuals change (i.e., add, delete, modify) you may request an amendment to the license.

Block 30. Applicant's Statement. Electronic submissions. Type the name of the individual who will digitally sign the request and check the boxes that apply.
Paper submissions. Type the name of the individual who will sign the license application, sign the application and check the boxes that apply.

Note: Applications must be signed by either an ITAR empowered official (see 22 CFR § 120.25) or an official of a foreign government entity. Applications signed by another individual or "for" another company or person is a violation of the ITAR.

22 CFR § 126.13 Certification. Select one. When selecting 2, 3, or 4 ensure that the additional documentation is submitted with your request.

Block 31. License to be sent to. FOR PAPER SUBMISSIONS ONLY. Provide the complete name, address and phone number. DO NOT PUT "SAME AS BLOCK 3."